

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Clerk's Minutes

Before the Honorable Kenneth J. Gonzales

Case No. 14cv534 KG/WPL

Date: March 20, 2017

Title: Martinez v. Salazar, et al.

Courtroom Clerk: Chris Baca

Court Reporter: Danna Schutte-Everett

Court Interpreter: None

Court in Session: 11:00 a.m. **Court in Recess:** [or/ see below X] **Total Court Time:** 20 minutes

Type of Proceeding: Status Conference

Court's Rulings/Disposition: See Below

Order consistent with court's ruling to be prepared by: Not applicable

Deadline for submission of order to court:

ATTORNEYS PRESENT FOR PLAINTIFF(S):

Todd Coberly and A. Nathaniel Chakeres

ATTORNEYS PRESENT FOR DEFENDANT(S):

Martin Esquivel and Katherine Basham

PROCEEDINGS:

11:00 a.m. COURT IN SESSION

Judge suggests re-trials dates in Albuquerque for 4-5 days. Counsel prefer a re-trial in August 2017.

Mr. Coberly notes that Plaintiff may file a motion for new trial. He further notes that the judgment should be amended.

Ms. Basham states that the Court cannot retry the case or the portion of the case which hung the jury. She plans to file a motion regarding issue preclusion as to the § 1983 claim against Defendant Salazar based on the jury finding on the battery claim. Ms. Basham agrees that the judgment should be amended.

11:05 a.m. COURT IN RECESS

11:10 a.m. COURT IN SESSION

Judge will set a re-trial in Albuquerque beginning August 14, 2017. Judge will also contact Judge Lynch to reach out to the parties to discuss any potential settlement conference. Next, Judge

agrees to amend the fees order to provide a 14 day deadline for payment. Finally, Judge will look at the judgment and let the parties know if he desires any briefing with respect to amending the judgment.

11:25 a.m. COURT IN RECESS